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ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES: ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES

PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

Progress Report of the Secretary-General of the Conference

In response to decision No. 2/15 adopted by the Preparatory Committee at its second session on the subject of "Prevention of illegal international traffic in toxic and dangerous products and wastes" the following information has been made available to UNCED from UNEP.

On 22 December 1989 the General Assembly adopted resolution 44/226 on traffic in and disposal, control and transboundary movements of toxic and dangerous products and wastes. Earlier resolutions of the General Assembly and the Economic and Social Council in 1987 and 1988 had also dealt with the matter. In July 1988 and July 1989 respectively, the Secretary-General reported on the question of illegal traffic in toxic and dangerous products and wastes to the Economic and Social Council and the General Assembly,

drawing on information from Governments provided by UNEP. The Executive Director of UNEP wrote to Governments in January and October 1988 respectively, with a request to report on cases of illegal traffic. In a preliminary report to the Economic and Social Council, in July 1988 (E/1988/72), the Secretary-General reported that out of 16 countries which had responded to the letter of the Executive Director of UNEP, seven had provided concrete cases of illegal traffic in both toxic and dangerous products and wastes. In a comprehensive report of the Secretary-General to the General Assembly dated 18 July 1989 (A/44/362 and Corr.1) out of 62 countries which responded to UNEP, less than half identified instances of illegal traffic. In many cases replies were incomplete or Governments reported that it was difficult for them to unequivocally identify instances of illegal traffic as a result of absence of relevant legislation or deficiencies in enforcement and control under existing legislation. Also the absence of an internationally agreed definition of illegal traffic has made reporting on such cases difficult.

General Assembly resolution 44/226, in its section I requested specifically each regional commission, within existing resources, to contribute to the prevention of the illegal traffic in toxic and dangerous products and wastes by monitoring and making regional assessments of this illegal traffic and its environmental and health implications. It further requested the regional commissions to interact among themselves, and in cooperation with UNEP, with a view to maintaining efficient and coordinated monitoring and assessment of the illegal traffic in toxic and dangerous products and wastes.

UNEP has been informed by the Executive Secretary of the Economic and Social Commission for Asia and the Pacific (ESCAP) that countries in the region had been approached on 11 May 1990 to provide information on hazardous waste generation, disposal methods and transboundary movements of dangerous wastes and products. On 20 September 1990, ESCAP reported that it had received replies from eight countries and that only one country reported instances of illegal traffic. No further reports have been made available to UNEP by ESCAP or other regional commissions. UNEP and ESCAP have recently agreed on a joint project on monitoring and regional assessment of illegal traffic in toxic and dangerous products and wastes in the ESCAP region.

The Basel Convention deals specifically with the issue of illegal traffic in its article 9 and in fact provides a definition for it. The Convention is expected to enter into force during the first half of 1992. Contracting Parties will use its provisions as a basis to identify and improve the control of illegal movements of wastes covered by the Convention. In their annual reporting, Contracting Parties to the Convention will also be requested to provide more detailed insight into such matters as the transboundary movements of hazardous wastes and other wastes including amounts exported, imported, and disposed of. Such reports will allow the secretariat to monitor closely international movements of wastes covered by the Convention.

In connection with resolution 4 of the Basel Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes, several Governments have responded to UNEP that they have taken measures or are planning to take measures to monitor and control illegal traffic in wastes covered by the Basel Convention.

The Bamako Convention is fully consistent with the Basel Convention as it relates to the definition of illegal traffic. Upon entry into force of this regional agreement, African countries are expected to collectively take measures regarding monitoring and control of illegal traffic in wastes covered by the Convention.

The Seventh Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols, which is scheduled to take place in Cairo, 8-11 October 1991, will discuss a draft protocol for the prevention of pollution of the Mediterranean Sea by transboundary movements of hazardous wastes and their disposal. The draft protocol contains provisions for monitoring and control of illegal traffic in hazardous wastes. It is expected that similar protocols will be developed in future for other regional marine environment action plans.

As regards illegal traffic in toxic and dangerous products, both the London Guidelines for the Exchange of Information on Chemicals in International Trade and the International Code of Conduct on the Distribution and Use of Pesticides, although non-binding instruments, contain provisions that provide a measure of control over illegal trade in certain types of chemical products including pesticides. For chemicals banned or severely restricted for health or environmental reasons, both instruments include the principle of Prior Informed Consent (PIC). The PIC procedure will be initiated during August 1991 and will be operated jointly by FAO and UNEP. The procedure contains provisions for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of chemicals which have been banned or severely restricted. One hundred and nine Governments have to date designated national authorities for the operation of the PIC procedure at the national level. An inventory of all chemicals banned or severely restricted in participating countries will be established by UNEP/IRPTC and FAO by the end of 1991. The PIC procedure will be initiated for six pesticides during August/September 1991. It is expected that these measures will help to significantly reduce illegal traffic in banned and severely restricted chemicals.